

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

2011 JUN -6 PM 3:10  
CLERK OF DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY JLB  
DEPUTY

USA

§

vs.

§

CAUSE NO: EP:11-M -02833(1) G

§

(1) Javier Arturo Martinez-Fierro

§

IN RE: MATERIAL WITNESSES

§

(2) Gandy BENITEZ-Gutierrez

§

(3) Jorge Antonio ROBLED0-Hernandez

§

§

**ORDER SETTING MATERIAL WITNESS DEPOSITION**

Before the Court is the matter of the taking of the depositions of the material witnesses in the above-styled and numbered cause. The Court finds that (2) Gandy BENITEZ-Gutierrez and (3) Jorge Antonio ROBLED0-Hernandez are aliens not lawfully admitted to the United States, that they are material witnesses being held pursuant to 18 U.S.C. § 3144, and that they have not been released pursuant to 18 U.S.C. § 3142. As such, the Court finds that this case presents "exceptional circumstances" and that the "interest of justice" requires the taking of the depositions of the material witnesses. Rule 15(a), Fed. R. Crim. P. The Court further finds that there will be no failure of justice if the material witnesses are released after their depositions have been taken and certified in accordance with 18 U.S.C. § 3144 and Local Court Rule CR-15B.

IT IS THEREFORE ORDERED that the depositions of (2)Gandy BENITEZ-Gutierrez and (3) Jorge Antonio ROBLED0-Hernandez are set for **Friday, June 24, 2011, at 10:30 a.m.** in Magistrate Hearing Room 201, United States Courthouse, 511 E. San Antonio Street, El Paso,

Texas 79901.

IT IS FURTHER ORDERED that the Clerk of the Court shall serve a copy of this order on the following: All defendants, counsel for defendants, the material witnesses, counsel for the material witnesses, counsel for the government, an interpreter, and the United States Marshals Service.

IT IS FURTHER ORDERED that the United States Marshals Service shall make the named witnesses and defendant(s) in their custody available on the date, time and place in conformity with this order. If any defendant desires to waive appearance, that defendant must file a written waiver with the Clerk of the Court prior to the date of the deposition.

IT IS FURTHER ORDERED that if the defendant and the government agree on a resolution of the charges against defendant prior to taking of the deposition, they shall notify the court.

SIGNED AND ENTERED on **June 6, 2011**.

  
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NORBERT J. GARNEY  
U.S. MAGISTRATE JUDGE